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8-8-1986

Marijuana.

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Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

0386  
Elections Division  
(916) 445-0820  
TDD: (800) 833-8683

January 12, 1987

TO: ALL REGISTRARS OF VOTERS AND COUNTY CLERKS  
AND PROPONENT (8704)

FROM: *Deborah Seiler*  
DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

Pursuant to Elections Code § 3520, subd. (b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE STATUTE filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: MARIJUANA.  
INITIATIVE STATUTE.

SUMMARY DATE: August 8, 1986

PROponent: Barton C. Gilbert

DS/lgw

F.INIT



Office of the Secretary of State  
March Fong Eu

1230 J Street  
Sacramento, California 95814

#386  
Elections Division  
(916) 445-0820  
TDD: (800) 833-8683

August 8, 1986

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (86145)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

MARIJUANA.  
INITIATIVE STATUTE.

Circulating and Filing Schedule

1. Minimum number of signatures required..... 393,835  
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date..... Friday, 8/8/86  
Elec. C., Sec. 3513.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for signatures Friday, 8/8/86  
Elec. C., Sec. 3513.
  - b. Last day Proponent can circulate and file with the county.  
All Sections are to be filed at the same time within each  
county..... Monday, 1/5/87  
Elec. C., Secs. 3513, 3520(a).
  - c. Last day for county to determine total number of  
signatures affixed to petition and to transmit total  
to the Secretary of State..... Monday, 1/12/87

(If the Proponent files the petition with the county on a date prior to 1/5/87, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties.....Monday, 1/19/87\*\*

- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....Tuesday, 2/3/87

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 1/12/87, the last day is not later than the fifteenth day after the county's receipt of notification.)  
Elec. C., Sec. 3520(d), (e).

- f. If the signature count is more than 433,218 or less than 354,452, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 354,452 and 433,218 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures..... Wednesday, 2/11/87\*\*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State.....Friday, 3/13/87

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 2/3/87, the last day is not later than the thirtieth day after county's receipt of notification.)  
Elec. C., Sec. 3521(b), (c).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient.....Monday, 3/16/87

\*\*Date varies based on receipt of county certification.

4. Campaign Statements:

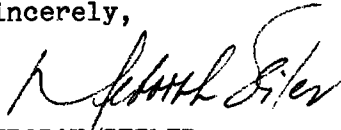
Last day to file a campaign statement of receipts  
and expenditures for period ending 2/2/87 ..... Monday, 2/9/87

(If the Secretary of State finds that the measure has  
either qualified or failed to qualify on a date earlier  
than 1/5/87, the last date to file is the 35th calendar  
day after the deadline for filing petitions or the date  
of notification by the Secretary of State that the  
measure has either qualified or failed to qualify, whichever  
is earlier. The closing date for the campaign statement  
is seven days prior to the filing deadline.)  
Gov. C., Secs. 84200(d), 84202(j).

5. The Proponent of the above named measure is:

Barton C. Gilbert  
P.O. Box 7548  
Burbank, California 91510  
(818) 840-0937

Sincerely,



DEBORAH SEILER  
Assistant to the Secretary of State  
Elections and Political Reform

NOTE TO PROPONENT: Your attention is directed to Elections Code  
Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3519 for appropriate  
format and type considerations in printing, typing, and otherwise preparing  
your initiative petition for circulation and signatures. Your attention  
is further directed to the campaign disclosure requirements of the  
Political Reform Act of 1974, Government Code Section 81000 et seq.



1515 K STREET, SUITE 511  
SACRAMENTO 95814  
(916) 445-9555  
324-5468

Honorable March Fong Eu  
Secretary of State  
1230 J Street  
Sacramento, California 95814

**FILED**  
In the office of the Secretary of State  
of the State of California

AUG - 8 1986

Dear Mrs. Eu:

MARCH FONG EU, Secretary of State  
By Barbara J. Lee  
Deputy

**Initiative Title and Summary.**  
Our File No. SA86RF0008

Pursuant to the provisions of section 3503 and 3513 of the Elections code, you are hereby notified that on this day we mailed to the proponent(s) of the above identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent(s), a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name(s) and address(es) of the proponent(s) is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

PAUL H. DOBSON, Supervising  
Deputy Attorney General

Enclosure

PHD:js

(RF-10, 3/86)

Date: August 8, 1986  
File No. SA86RF0008

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

INITIATIVE STATUTE. MARIJUANA. Adds sections to the Alcoholic Beverage Control Act stating that marijuana shall be considered an intoxicant alongside dry wine and shall be regulated as such by the Alcoholic Beverage Control agencies. Provides one ounce of marijuana shall be considered the equivalent of one gallon of dry wine. Modifies present statutory definition of marijuana. Repeals present statute listing marijuana as a controlled hallucinogenic substance. Repeals state statutes specifying offenses and penalties for every person who unlawfully possesses, possesses for sale, plants, cultivates, harvests, dries, processes, transports, imports, sells, furnishes, administers, or gives away marijuana. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure does not affect federal prohibitions against manufacturing, distributing, or dispensing marijuana. The measure, by itself, would result in a redirection of existing state and local law enforcement activities from marijuana to other activities with no net change in state or local costs. There may be savings in state and local incarceration costs. No change in state and local revenues.

JOHN K. VAN DE KAMP  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



P. O. Box 944255  
Sacramento 94244-2550

1515 K STREET, SUITE 311  
SACRAMENTO 95814  
(916) 445-9555  
324-5468

August 8, 1986

Barton C. Gilbert  
P. O. Box 7548  
Burbank, CA 91510

Initiative Title and Summary.  
Subject: INITIATIVE STATUTE. MARIJUANA.  
Our File No. SA86RF0008

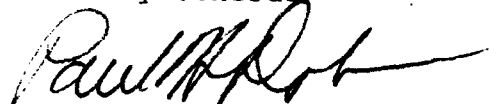
Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

  
PAUL H. DOBSON, Supervising  
Deputy Attorney General

Attachment: Estimate of Director of  
Finance and Legislative Analyst  
PHD:js



I Add to the Business and Professions Code:

23000.2 Citation of division

This division shall be known and may be cited as the "Cannabis Control Act."

23000.4 Purposes of divisions: Construction

This division is an exercise of the police powers of the State for the protection of the safety, welfare, health and peace of the people of the State, to allow for the industrial and medicinal type uses of cannabis, to eliminate the evils of unlicensed and unlawful cultivation, selling, and disposing of cannabis, and to promote temperance in the consumption of cannabis as an intoxicant. It is hereby declared that the subject matter of this division involves in the highest degree the economic, social, and moral wellbeing and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes. This act is severable.

23000.6 Marijuana

Marijuana shall be considered an intoxicant alongside dry wine and shall be regulated as such by the Director of Alcoholic Beverages Control, the Department of Alcoholic Beverages Control, and Alcoholic Beverages Control Appeals Board. One ounce of marijuana shall be considered the equivalent of one gallon of dry wine. Marijuana is as defined in Health and Safety Code 11018 as amended.

- II Amend Health and Safety Code Section 11018 to delete 'Sativa L' following the word Cannabis
- III Repeal Health and Safety Code sections 11054(d)13, 11357, 11358, 11359, 11360.

DECLARATION OF MAILING

The undersigned Declarant, states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: August 8, 1986

Subject: MARIJUANA. INITIATIVE STATUTE.

Our File No.: SA86RF0008

Name of Proponent(s) and Address(es):

BARTON C. GILBERT  
P. O. Box 7548  
Burbank, CA 91510

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California on August 8, 1986.

  
\_\_\_\_\_  
JANET STRICKLIN  
Declarant

JOHN K. VAN DE KAMP  
Attorney General

382  
State of California  
DEPARTMENT OF JUSTICE



P. O. BOX 944255  
Sacramento 94244-2550

1015 K STREET, SUITE  
SACRAMENTO 95  
(916) 445-9

(916) 324-546

June 16, 1986

Mr. John L. Vickerman  
Chief Deputy Legislative Analyst  
Legislative Budget Committee  
925 L Street, Suite 650  
Sacramento, CA 95814

Mr. Joseph W. Hall  
Director  
Department of Finance  
1015 K Street, Room 325  
Sacramento, CA 95824

Attention: Assistant Director  
Bruce L. Gould

Dear Mr. Vickerman and Mr. Hall:

Proposed Initiative.  
Subject: Marijuana  
Our File No. SA86RF0008

A copy of the above identified proposed initiative is  
attached.

Please provide us with the estimates required by the  
Constitution section 3504.

Very truly yours,

JOHN K. VAN DE KAMP  
Attorney General

PAUL H. JOHNSON  
Supervising Deputy Attorney General

Attachment

Honorable John Van De Kamp  
Attorney General  
State of California

Dear Mr. Van De Kamp:

June 9, 1986

Enclosed herewith is \$200.00. As you are aware, I have a number of complaints regarding the current Title and Summary which you prepared for me. I hereby incorporate by reference all previous material, complaints, letters, and briefs filed with the office of the Attorney General by my associates and me. There are no changes in the text which is on the enclosed petition.

I also file this under protest because:

1. The 150 day circulation period is unreasonable when compared with other states and the success rate of low budget campaigns;
2. The 150 day period should figure time based on working days. For example, a petitioner arrested for petitioning and registering voters sat for two days before the clock started to figure the time at which he either had to be charged or released. (Mark Hochshell, 1981, Antelope Valley Press, available and willing to make statement.)

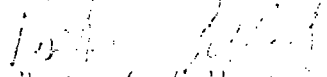
John, again I request that I be included in the process of preparing the Title and Summary. According to Mr. Burton, the Title and Summary is in fact the work of more than one person. Is it unreasonable to request that I also be consulted?

The people in your office whom are most familiar with my complaints, in addition to yourself, are Richard Martland, Chris Foley, Hank Ullrich, Bob Burton, and Eugene Hill. I have talked with you all on more than one occasion.

I am also considering circulating a petition for additional proponents. If and when I do I will send it to you so they may be added to the list.

Once again your attention is called to the documented agricultural/industrial uses of cannabis-hemp shown in your copies of THE EVIDENCE WEARS NO CLOTHES by Jack Herer. Further information may be obtained from the U.S. Library of Congress.

Sincerely yours,

  
Barton C. Gilbert  
A 0356416

Barton C. Gilbert  
PO BOX 7548  
Berbank, Ca. 91510  
818-840-0937

cc

**MARIJUANA, INITIATIVE STATUTE.** Adds sections to the Alcoholic Beverage Control Act stating that marijuana shall be considered an intoxicant alongside dry wine and shall be regulated as such by the Alcoholic Beverage Control agencies. Provides one ounce of marijuana shall be considered the equivalent of one gallon of dry wine. Modifies present statutory definition of marijuana. Repeals present statute listing marijuana as a controlled hallucinogenic substance. Repeals statutes specifying offenses and penalties for every person who unlawfully possesses, possesses for sale, plants, cultivates, harvests, dries, processes, transports, imports, sells, furnishes, administers, or gives away marijuana. Summary of estimate by legislative analyst and Director of Finance of fiscal impact on State and local governments: The fiscal effect of the requirement that the Department of Alcoholic Beverage Control regulate marijuana like dry wine is indeterminable. The fiscal effect would depend upon determinations regarding such matters as enforcement requirements, licenses, taxes and the level of enforcement effort. The fiscal effect of provisions which repeal criminal penalties for various marijuana-related offenses may result in savings to state and local governments due to a reduction in law enforcement efforts and incarceration. The extent to which these savings would materialize is indeterminable because of (1) the lack of data on the amount of resources dedicated to such enforcement activity and incarceration and (2) the likelihood that any savings would be redirected for ongoing law enforcement programs.

To the Honorable Secretary of State of California:

We, the undersigned, qualified to be registered qualified voters of California, residents of \_\_\_\_\_ County, hereby propose amendments to the Business and Professions Code and Health and Safety Code relating to Cannabis, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special state-wide election held prior to the general election or otherwise provided by law. The proposed statutory amendments read as follows:

**1. Add to the Business and Professions Code:**  
**23000.2 Citation of division**  
 This division shall be known and may be cited as the "Cannabis Control Act."  
**23000.4 Purposes of divisions: Construction**  
 This division is an exercise of the police powers of the State for the protection of the safety, welfare, health, and peace of the people of the State, to allow for the industrial and medicinal type uses of cannabis, to eliminate the evils of unlicensed cultivation, cultivation, sale, and disposing of cannabis, and to promote temperance in the consumption of cannabis as an intoxicant. It is hereby declared that the subject matter of this division involves in the highest degree the economic, social, and moral welfare and the safety of the State and of all its people. All provisions of this division shall be liberally construed for the accomplishment of these purposes. This act is severable.  
**23000.6 Marijuana**  
 Marijuana shall be considered an intoxicant alongside dry wine and shall be regulated as such by the Director of Alcoholic Beverages Control, the Department of Alcoholic Beverages Control, and Alcoholic Beverages Control, and the Board of Alcoholic Beverages Control. One ounce of marijuana shall be considered the equivalent of one gallon of dry wine. Marijuana is as defined in Health and Safety Code 11018 as amended.  
**2. Amend Health and Safety Code Section 11018 to delete "Sativa L" following the word Cannabis**  
**3. Repeal Health and Safety Code sections 11054(d)(1), 11357, 11358, 11359, 11360**

USE A SEPARATE SHEET FOR EACH COUNTY

YES, IT'S OK TO MAKE COPIES FOR YOUR FRIENDS.

All signers of this petition must be residents of \_\_\_\_\_ County

**WARNING: Perjury is punishable by imprisonment in state prison for two, three or four years. § 126 Penal Code.**

1	Initial here to go on mailing list	<b>READ</b> I certify under penalty of perjury that the information I provide is true and correct and that I am a citizen of the United States, at least 18 years old, and not in prison or on parole for the conviction of a felony. If I'm not registered to vote, please register me.	<input checked="" type="checkbox"/> Print Your Name <input checked="" type="checkbox"/> Date <input checked="" type="checkbox"/> Sign Your LEGAL Name <input checked="" type="checkbox"/> Cal. Driver's Lic. # <input checked="" type="checkbox"/> Residence Address <input checked="" type="checkbox"/> City <input checked="" type="checkbox"/> Zip <input checked="" type="checkbox"/> Phone (optional)	OFFICIAL USE ONLY
2	Initial here to go on mailing list	<b>READ</b> I certify under penalty of perjury that the information I provide is true and correct and that I am a citizen of the United States, at least 18 years old, and not in prison or on parole for the conviction of a felony. If I'm not registered to vote, please register me.	<input checked="" type="checkbox"/> Print Your Name <input checked="" type="checkbox"/> Date <input checked="" type="checkbox"/> Sign Your LEGAL Name <input checked="" type="checkbox"/> Cal. Driver's Lic. # <input checked="" type="checkbox"/> Residence Address <input checked="" type="checkbox"/> City <input checked="" type="checkbox"/> Zip <input checked="" type="checkbox"/> Phone (optional)	OFFICIAL USE ONLY
3	Initial here to go on mailing list	<b>READ</b> I certify under penalty of perjury that the information I provide is true and correct and that I am a citizen of the United States, at least 18 years old, and not in prison or on parole for the conviction of a felony. If I'm not registered to vote, please register me.	<input checked="" type="checkbox"/> Print Your Name <input checked="" type="checkbox"/> Date <input checked="" type="checkbox"/> Sign Your LEGAL Name <input checked="" type="checkbox"/> Cal. Driver's Lic. # <input checked="" type="checkbox"/> Residence Address <input checked="" type="checkbox"/> City <input checked="" type="checkbox"/> Zip <input checked="" type="checkbox"/> Phone (optional)	OFFICIAL USE ONLY
4	Initial here to go on mailing list	<b>READ</b> I certify under penalty of perjury that the information I provide is true and correct and that I am a citizen of the United States, at least 18 years old, and not in prison or on parole for the conviction of a felony. If I'm not registered to vote, please register me.	<input checked="" type="checkbox"/> Print Your Name <input checked="" type="checkbox"/> Date <input checked="" type="checkbox"/> Sign Your LEGAL Name <input checked="" type="checkbox"/> Cal. Driver's Lic. # <input checked="" type="checkbox"/> Residence Address <input checked="" type="checkbox"/> City <input checked="" type="checkbox"/> Zip <input checked="" type="checkbox"/> Phone (optional)	OFFICIAL USE ONLY

BE SURE ...

TO SIGN THIS TOO.

<b>DECLARATION OF CIRCULATOR</b> I am qualified to be registered to vote in the County of _____ Each of the signatures to this petition was signed in my presence. Each signature of this petition is to the best of my knowledge and belief, the genuine signature of the person whose name it purports to be. All signatures to this document were obtained between _____, 1985 and _____, 1986. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am at least 18 years old, a citizen of the United States, and not in prison or on parole for the conviction of a felony. If I'm not registered to vote, please register me.			
Signature of Circulator	Date	Print Name	Cal. Driver's Lic. #
Residence Address	City	Zip	Phone (optional)